IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.48444 of 2008
ASH MOHAMMAD MIAN
Versus
THE STATE OF BIHAR

2/ 11/12/2008. Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends arrest in a complaint case under Sections- 498A of I.P.C. and 3/4 of D.P. Act.

The allegations are of a marriage solemnized 26 years ago in 1982. Before the court below both, the petitioner and the complainant, were properly represented and expressed the desire to resolve their differences. The prayer for anticipatory bail was then rejected in a mechanical manner without application of mind.

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The impugned order of rejection is in teeth of the guidelines laid down by this Court in 2006(3) P.L.J.R. 182 (Md. Naimul Haque Ansari @ Naimul Haque Ansari & Anr. Vs. The State of Bihar) and the judicial adventurism despite it deprecated by this Court in 2006(4) P.L.J.R. 342 (Ajay Kumar Singh & Ors. Vs. State of Bihar). The order reflects deliberate abdication of judicial duties to exercise discretion in accordance with law.

Having considered the facts and circumstances of the case, let the petitioner above named surrender before the court below within four weeks when he shall be enlarged on anticipatory bail upon furnishing the bail-bonds of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah in connection with Complaint Case No.371 of 2007.

Let a copy of this order be communicated to the District & Sessions judge, West Champaran.

KC **(Navin Sinha, J.)**

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